



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
CINCINNATI, OHIO 45268

APR 18 2016

Robert G. Markoff
Markoff Law, LLC
29 N. Wacker Drive #550
Chicago, IL 60606

RE: Freedom of Information Act Request No. EPA-HQ-2016-005335

Dear Mr. Markoff,

You submitted a subpoena to the U.S. Environmental Protection Agency ("EPA" or "the Agency"), dated March 9, 2016. That subpoena requested "[t]he last known home address according to employment records for Tarsha Fields."

The EPA is not a party to the above-referenced lawsuit. The EPA's *Touhy* regulations at 40 C.F.R. Part 2, Subpart C, contain restrictions on EPA employees testifying or producing documents regarding official matters in any proceeding where the United States Government is not a party. *See United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). The purpose of the regulations is "to ensure that employees' official time is used only for official purposes, to maintain the impartiality of EPA among private litigants, to ensure that public funds are not used for private purposes and to establish procedures for approving testimony or production of documents when clearly in the interests of EPA." 40 C.F.R. § 2.401(c).

Under 40 C.F.R. § 2.405, when a subpoena is "essentially a written request for documents, the requested documents will be provided or denied in accordance with subparts A and B of this part¹ where approval to respond to the subpoena has not been granted." Your subpoena has been treated in accordance with the Freedom of Information Act (FOIA) and the EPA's applicable regulations. Your request has been assigned the FOIA identification number EPA-HQ-2016-005335 and has been processed accordingly by the EPA.

It is noted that the FOIA is not designed to provide answers to requesters' questions/inquiries. It is designed to provide documents responsive to an appropriate request, assuming there are no applicable exemptions which preclude the provision of those documents. In response to your FOIA Request No. EPA-HQ-2016-005335, which was assigned a date of April 4, 2016, no employment records were found for an employee named Tarsha Fields.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N. W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: foia_hq@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N. W., Room 64161, Washington, DC 20004. Your appeal must be made in

¹ 40 CFR. Part 2 (Public Information), Subpart A (Procedures for Disclosure of Records Under the Freedom of Information Act) and Subpart B (Confidentiality of Business Information).

writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the tracking number listed above. For the quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal".

If you have any questions concerning this response, please contact Lonnie Gates at (513) 569-7388. Please provide your FOIA request number in all communications.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bonner", written over the printed name.

Jerome Bonner, Director
Cincinnati Human Resources Shared Service Center

cc: Lonnie Gates
Nancy Porter
Cindy Kirchmer